3 May 1972

Judge O'Hara Is Retired With Salary

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Criminal Dist. Court Judge Malcolm V. O'Hara has been declared mentally and physically incapacitated and will be retired on a salary of $22,000 a year for life.

Seven of the nine judges of the Criminal Court made this decision late yesterday after a third hearing on O'Hara's mental capacity to continue on the job.

O'Hara, who is hospitalized now, was turned down for the retirement last month, but won a new hearing.

The only two judges of the court who did not vote for the retirement were Judge Rudolph Becker Jr. who was absent and Judge Thomas M. Brahney Jr., who favored continuing Judge O'Hara on his present sick leave status.

Dr. Gregory Ferriss, a neurologist, told the court yesterday that O'Hara was suffering from cerebral arteriosclerosis, a hardening of the arteries to the brain, which reduced his mental capacity.

Dr. Ferriss said he feels O'Hara's condition could be retarded but he does not believe the judge could return to his normal healthy condition.

In two earlier hearings, doctors testified that O'Hara was suffering from mental depression and had been drinking excessively.

The judges of the Criminal Court said their order was in accordance with the state Constitution which reads, "Any judge who is or becomes physically or mentally incapacitated to perform his duties shall be retired."